

**Regular Meeting
Board of Zoning Appeals
December 3, 2008**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Bob Wright took roll call as follows:

Chairman Jerry Uebelhor	-Present	Randy Mehringer	-Present
Vice Chairman Jim Blessinger	-Present	Bob Cook	-Absent
Secretary Bob Wright	-Present	Bldg. Comm. Dave Seger	-Present
Brad Schnarr	-Present	Atty. Sandy Hemmerlein	-Present

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the November 5, 2008 Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Brad Schnarr seconded it. Motion carried 5-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Petition of L & B Rental Properties and Phyl Corp. d.b.a. Westside Dairy Queen for a variance from Section 16.03.060 (Limitation on Signs) (3) (b) (free standing) and a variance from Section 16.03.060 (Limitation on Signs) (3) (b) (attached).

Phyllis Stenftenagel was present on behalf of West Side Dairy Queen to request a variance for both a free-standing and attached sign to be installed. The property is located at 606 W. 6th Street.

Ms. Stenftenagel explained that the Dairy Queen franchise is changing out all of its signs. The new signage is designed to improve and update the aesthetics of the building and surrounding area.

Plans are to add a sign on the building that reads, "Orange Julius". The attached sign would not exceed 50 square feet. Also, plans are to install a new reader board with the words "Orange Julius" on top. The reader board would have a minimum height of six feet.

With no remonstrators present, Brad Schnarr made a motion to close the public hearing. Secretary Wright seconded it. Motion carried 5-0.

Vice Chairman Blessinger made a motion to grant a variance to allow a free standing sign, with a minimum clearance of six feet. Brad Schnarr seconded it. Motion carried 5-0.

Brad Schnarr made a motion to grant a variance to allow an attached sign on the building, not to exceed 50 square feet. Secretary Wright seconded it. Motion carried 5-0.

NEW BUSINESS

Petition of Jasper 231, LLC for a special exception to allow hospitals and clinics (surgery center) in a B-3 zoning district.

Attorney Bill Kaiser was present on behalf of Jasper 231, LLC requesting a special exception to allow an ambulatory surgery center to be located at 4292 N. Newton Street; the new building on the northeast corner of Common Drive and North Newton Street. The building is owned by Chris McCrea.

The entire building is approximately 10,000 square feet. The petitioner is proposing to occupy 6,000 square feet, with the possibility of utilizing the remaining unoccupied space for future use. 'Sun Tan City' currently occupies the space on the furthest south side.

The surgery center would perform scheduled outpatient procedures during regular scheduled business hours. No high risk surgeries would be performed, and since the procedures would not be life threatening, there would be no emergency vehicles arriving at the clinic.

Doug Kutzgar, General Manager of Ewing Properties, appeared before the Board with concerns of the possibility that the clinic would have ambulances coming there. Attorney Kaiser reiterated that the clinic would not be used for emergency room patients.

Building Commissioner Dave Seger expressed his concern that parking may be an issue if the center becomes a 24/7 surgery center, since the parking requirements are set up for normal clinics and hospitals. He said parking becomes an issue when doctors get behind schedule, and with no on-street or overflow parking allowed in the proposed area, parking could become an issue, especially if the petitioner utilizes the entire 7,000 square feet.

Discussion followed. Vice Chairman Blessinger then made a motion to close the public hearing. Brad Schnarr seconded it. Motion carried 5-0.

Vice Chairman Blessinger made a motion to grant a special exception to allow an ambulatory surgery center at 4292 N. Newton Street, not to exceed approximately 7,000 square feet. Secretary Wright seconded it. Motion carried 5-0.

Jim Blessinger resignation

Councilmember Ambrose “Butch” Schitter was present to acknowledge Vice Chairman Jim Blessinger. The Board thanked Mr. Blessinger for all his years of service. Mr. Blessinger, who was an appointment of Mayor Bill Schmitt, informed Mayor Schmitt that he plans to resign from the Board of Zoning Appeals as his term expires December 31, 2008.

With no further discussion, Vice Chairman Blessinger made a motion to adjourn the meeting. It was seconded by Secretary Wright. The motion carried 5-0, and the meeting was adjourned at 7:18 p.m.

Jerry Uebelhor, Chairman

Bob Wright, Secretary

Kathy M. Pfister, Recording Secretary